

**OILS AND FATS**

**24632. Olive oil.** (F.D.C. No. 40426. S. Nos. 61-266/7 M, 61-281 M.)

**INFORMATION FILED:** 9-4-57, Dist. Mass., against Pasquale P. Archidiacono, t/a Marconi Olive Oil Co., Boston, Mass.

**LABEL IN PART:** (Can) "One Gallon Imported Product 100% Pure Olive Oil Marconi Brand Packed By Marconi Olive Oil Co., Boston, Mass."

**ALLEGED VIOLATION:** Between 8-28-56 and 3-22-57, while quantities of cottonseed oil were being held for sale by the defendant after shipment in interstate commerce, the defendant caused quantities of the cottonseed oil to be packed into cans labeled as above and caused certain portions of the canned oil to be sold and delivered within Massachusetts, which acts resulted in the articles being adulterated and misbranded.

**CHARGE:** 402(b)(2)—cottonseed oil, with little, if any, olive oil, had been substituted for olive oil; 402(b)(4)—cottonseed oil had been added to olive oil and mixed and packed therewith so as to increase the bulk and weight and reduce the quality of the article; and 403(a)—the statement on the label, namely, "Imported Product 100% Pure Olive Oil," was false and misleading.

**PLEA:** Guilty.

**DISPOSITION:** 2-4-58. Sentence of 6 months suspended; defendant placed on probation for 2 years and fined \$1,500.

**24633. Table and cooking oil.** (F.D.C. No. 41364. S. No. 79-245 M.)

**QUANTITY:** 6 ctns., 6 cans each, at Hackensack, N.J.

**SHIPPED:** 11-1-57, from Brooklyn, N.Y., by Lucci Sales Co.

**LABEL IN PART:** (Can) "Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils, 25% Pure Olive Oil Packed by Lucci Sales Co., Brooklyn, N.Y."

**RESULTS OF INVESTIGATION:** Examination showed that the article was artificially flavored cottonseed oil, with little or no olive oil present. The article was also short volume; the average shortage was found to be 3 percent.

**LIBELED:** 1-16-58, Dist. N.J.

**CHARGE:** 402(b)(1)—the valuable constituent, olive oil, had been in whole or in part omitted from the article when shipped; 402(b)(2)—artificially flavored cottonseed oil had been substituted for a mixture of 75 percent peanut and corn oils and 25 percent olive oil; 403(a)—the label statement "75% \* \* \* Peanut & Corn Oils, 25% \* \* \* Olive Oil" was false and misleading; and 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 3-6-58. Default—delivered to a charitable institution for its use and not for sale.

**24634. Liquid fat.** (F.D.C. No. 41370. S. Nos. 18-361 P, 83-358 P.)

**QUANTITY:** 1,000 gals. at Toledo, Ohio.

**SHIPPED:** Between 10-24-57 and 12-6-57, from Culver, Ind.

**RESULTS OF INVESTIGATION:** The article, when shipped, was invoiced as liquid fat, for use in animal feed. The oil was unlabeled and stored in an underground, outside storage tank of 6,000 gallons capacity.

Examination showed that the article was approximately 52 percent crude